

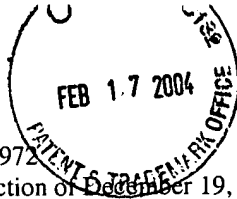


02-18-04

Image AF/1632

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. UAB-16102/22	
Applicant(s): Richard J. Whitley et al.					
Serial No. 10/009,972	FEB 17 2004 PATENT & TRADEMARK OFFICE	Filing Date February 14, 2002	Examiner Scott David Priebe	Group Art Unit 1632	
Invention: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND METHOD THEREWITH FOR TREATING CANCERS THEREWITH					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	21 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	6 -	3 =	3 x	\$43.00	\$129.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$129.00
<input type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input checked="" type="checkbox"/> A check in the amount of \$129.00 to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1180 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Avery N. Goldstein, Reg. No. 39,204 Attorney for Applicant Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. 280 N. Old Woodward Avenue, Suite 400 Birmingham, MI 48009-5394 (248) 647-6000			Dated: February 12, 2004 <div style="border: 1px solid black; padding: 5px; text-align: center;"> EV394967133US </div>		
CC:			<div style="border: 1px solid black; padding: 5px;"> I certify that this document and fee is being deposited on <u>Feb. 17, 2004</u> with the U.S. Postal Service as <u>first-class mail</u> under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. VIA EXPRESS MAIL  Signature of Person Mailing Correspondence Janice R. Kuehn Typed or Printed Name of Person Mailing Correspondence </div>		

Serial No. 10/009,972
Reply to Office Action of December 19, 2003



Attorney Docket No. UAB-16102/22

**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1600**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard J. Whitley et al.

Serial No.: 10/009,972

Group Art Unit: 1632

Filing Date: February 14, 2002

Examiner: Scott David Priebe

For: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES
AND METHOD FOR TREATING CANCERS THEREWITH

AMENDMENT UNDER RULE 116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the final Office Action mailed 19 December 2003, entry of the following amendment is requested to place the application in condition for allowance, or at least in better condition for appeal. Please amend the above-identified application as follows:

02/19/2004 SZEWDIE1 00000132 10009972

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